

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

MICHAEL DALEIDEN, SEAN RANDALL,
STEVEN SACK, PEDRO POVEDA,
CHRISTOPHER CARVER, RICHARD
JOSWICK, JUSTIN SCOTT and LYNN
FRAZEL,

Plaintiffs,

v.

Case No: 6:20-cv-410-Orl-78GJK

RED LAMBDA, INC., BAHRAM
YUSEFZADEH, SAAD AL BARRAK and
LEWIS DUNCAN,

Defendants.

ORDER¹

This Fair Labor Standards Act case is before the Court on the parties' Joint Motion for Referral to a Magistrate Judge for Mediation and for a Stay of Proceedings for Sixty Days (Doc. 12).

The request for referral of the case to a magistrate settlement judge is **GRANTED**. The Clerk shall refer this case to the magistrate judge next in line who is not already assigned to this matter to conduct a magistrate judge settlement conference.

In deciding whether to grant a stay the district court must balance the possible harm resulting from the delay against the possibility that the case will settle thereby eliminating the need for additional labor. Simpson v. Specialty Retail Concepts, Inc., 121 F.R.D. 261, 263 (M.D.N.C. Aug. 15, 1988); see also Kooock v. Sugar & Felsenthal, LLP, No. 8:09-cv-609-T-17EAJ, 2009 WL 2579307, at *2 (M.D. Fla. Aug. 19, 2009). The party

¹ The undersigned is temporarily handling this matter for Judge Kelly.

seeking the stay has the burden of showing good cause and reasonableness. Holsapple v. Strong Indus., Case No. 2:12-cv-355-UA-SPC, 2012 U.S. Dist. LEXIS 128009, at *2 (M.D. Fla. Sept. 10, 2012).

While the parties' desire to engage in early settlement negotiations is encouraging the Court has no idea what the probabilities of success are. Consequently, the motion for stay is **DENIED**. If the parties want to minimize the expenditure of attorney's fees and costs while they attempt to compromise and settle this dispute, then their lawyers know what to do (or not do).

DONE and **ORDERED** in Orlando, Florida on March 13, 2020.



THOMAS B. SMITH
United States Magistrate Judge

Copies furnished to:

Counsel of Record
Unrepresented Parties